

ORDINANCE NO. 2013-2

INTRODUCED BY: COUNCILMAN PARKER J. DURHAM

AN ORDINANCE OF THE MAYOR AND COUNCIL OF HURLOCK TO ENACT A DOMESTIC ANIMAL TETHERING ORDINANCE

WHEREAS, the Town of Hurlock is authorized by the Maryland Code Ann., Article 23A, Section 2 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the State of Maryland has provided for certain limitations and protections with regard to leaving dogs outside and unattended by the use of restraints pursuant to Maryland Annotated Code, Criminal Law Article, Section 10-623; and

WHEREAS, The County Council of Dorchester County has adopted a Dorchester County Dog Control Ordinance, Chapter 78, that provides certain protections for the proper care of dogs within Dorchester County, which ordinance is enforced by Dorchester County within the Town of Hurlock in coordination with Hurlock Town Ordinance No. 1994-2 as amended by Ordinance No. 1999-3 (Chapter 3 - Animals and Fowl); and

WHEREAS, the Mayor and Council have determined that it is desirable and in the public interest to supplement the aforementioned protections by adopting a domestic animal tethering ordinance to apply within the Town of Hurlock and to be enforced by the Town of Hurlock.

SECTION 1. BE IT ENACTED AND ORDAINED by the Mayor and Council of Hurlock, Maryland as follows:

Section 1. Short Title.

This Ordinance may be cited as the Town Domestic Animal Tethering Ordinance.

Section 2. Definitions.

The following words when used in this ordinance shall have the meanings respectively ascribed to them in this section, unless otherwise specifically defined in other parts of this ordinance:

"Domestic animal" means an animal that is owned or possessed by a person.

"Tethering" means to restrain a domestic animal by tying or otherwise attaching the domestic animal to any object or structure by any means. "Tethering" does not include using a handheld leash for the purpose of walking a domestic animal.

Section 3. Unlawful Tethering.

A person commits the offense of unlawful tethering if a person tethers a domestic animal in the person's custody or control:

- (a) In a location that is not free of obstructions that could cause strangulation;
- (b) With a tether that is less than 15 feet in length;
- (c) With a collar that pinches or chokes the domestic animal when pulled;
- (d) For more than nine hours in a 24-hour period; or
- (e) During periods of temperatures below 32° Fahrenheit or above 90° Fahrenheit or when a weather advisory or warning has been issued.

Section 4. Exception.

A person does not violate this ordinance if the tethered domestic animal remains in the physical presence of the person.

Section 5. Administration and Enforcement of this Ordinance.

This ordinance shall be administered and enforced by the Hurlock Police Department.

Section 5. Penalties.

Except where it is otherwise provided, any person, firm or corporation who shall violate any provision of this Ordinance shall be subject to:

- (a) A fine not to exceed One Hundred Dollars (\$100.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed Two Hundred Dollars (\$200.00) for each repeat offense, and each day a violation continues shall constitute a separate offense.

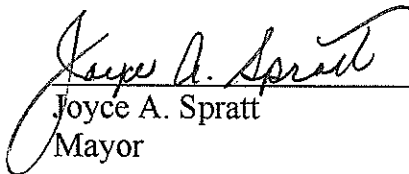
(b) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for the payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(c) Adjudication of a municipal infraction as set forth in this Ordinance is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

SECTION 2: In accordance with Article III, Sections 308.b and 309 of the Hurlock Town Charter, this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor, or passage by the Council over the veto of the Mayor.

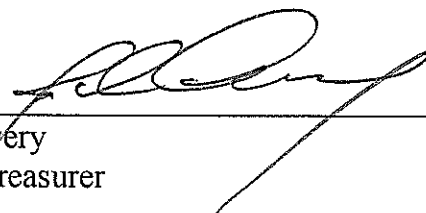
| | Yea/Nay |
|----------------------|------------|
| Parker J. Durham | <u>Yea</u> |
| Gary L. Henry | <u>Yea</u> |
| Michael D. Nordstrom | _____ |
| Charles T. Cephas | <u>Yea</u> |
| Christopher D. Adams | <u>Yea</u> |

In accordance with Article III, Section 309.a of the Hurlock Town Charter, I hereby approve the above ordinance this 14 day of November, 2013.



Joyce A. Spratt
Mayor

ATTEST:



John Avery
Clerk-Treasurer

Approved as to form:

Robert J. Merriken, Town Attorney

Date Introduced: October 28, 2013

Date Amendments Introduced: N/A

Date Passed by Council: November 12, 2013

Effective Date: DEC 4, 2013